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8 **UNITED STATES BANKRUPTCY COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**
10 **SANTA ANA DIVISION**
11

12 In re:

13 THE SOURCE HOTEL, LLC, a California
limited liability company,
14
15 Debtor and Debtor in Possession,

Case No. 8:21-bk-10525-ES

Chapter 11

**EVERTRUST BANK STATEMENT RE
TURNOVER MOTION**

16 Date: March 23, 2021
17 Time: 10:00 a.m.
Place: ZoomGov

18
19 **TO: THE HONORABLE ERITHE SMITH, UNITED STATES BANKRUPTCY**
20 **JUDGE.**
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22 Evertrust Bank ("Bank") made a construction loan to The Source Hotel, LLC ("Source" or
23 "Debtor"), but sold the Source loan in December 2020.

24 Source seeks turnover to it of certain money on deposit at the Bank.

25 The Bank has no dog in this fight. It only wants to be protected as to any turnover. That
26 could have come by consent from all potential claimants --- Source; and one of the loan buyers
27 Shady Bird; and the owners of Source, the Chaes --- but the Bank was not able to get full and
28 complete consent from all of them. A turnover order will afford the Bank that protection.

1 The Bank is holding \$61,030.67 ("Funds On Deposit") in 3 separate accounts, two standing
2 in the name of Source and one standing in the name of the Bank as a construction loan "control"
3 account related to Source. *See* Hsieh Declaration.

4 Complete relief for the Bank will be afforded by entry of a turnover order from the Court to
5 the Bank to wire transfer the entirety of the Funds On Deposit to the Debtor's DIP account.

6 **WHEREFOR**, the Bank respectfully requests that the Court so order.

7
8 DATED: March 18, 2021

FRANDZEL ROBINS BLOOM & CSATO, L.C.

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11 By: /s/ Michael Gerard Fletcher
12 MICHAEL GERARD FLETCHER
13 Attorneys for EVERTRUST BANK
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PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is 1000 Wilshire Boulevard, Nineteenth Floor, Los Angeles, CA 90017-2427.

A true and correct copy of the foregoing document entitled (*specify*): **EVERTRUST BANK STATEMENT RE TURNOVER MOTION** will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (*date*) March 18, 2021 I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

SEE ATTACHED SERVICE LIST.

☒ Service information continued on attached page.

2. SERVED BY UNITED STATES MAIL:

On (*date*) _____, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page.

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (*state method for each person or entity served*): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (*date*) _____, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

March 18, 2021

Date

Sandra Young-King

Printed Name

/s/ Sandra Young King

Signature

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